



1 FOLEY & LARDNER LLP
 ATTORNEYS AT LAW
 2 555 SOUTH FLOWER STREET, SUITE 3500
 LOS ANGELES, CALIFORNIA 90071-2411
 3 TELEPHONE: 213.972.4500
 FACSIMILE: 213.488.0065

4 ROBERT C. LEVENTHAL, BAR NO. 119968
 JEFFREY R. BATES, BAR NO. 142743

5 ATTORNEYS FOR PETITIONERS CALIFORNIA ASSOCIATION FOR
 HEALTH SERVICES AT HOME, PIONEER HOME HEALTH CARE,
 6 INC., AND CALIFORNIANS FOR DISABILITY RIGHTS, INC.

7
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SACRAMENTO

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 11 CALIFORNIA ASSOCIATION FOR HEALTH
 SERVICES AT HOME, A NONPROFIT
 12 CORPORATION, PIONEER HOME HEALTH
 CARE, INC., A NONPROFIT
 13 CORPORATION, AND CALIFORNIANS FOR
 DISABILITY RIGHTS, INC., A NONPROFIT
 14 CORPORATION,

15 PETITIONERS,

16 v.

17 CALIFORNIA DEPARTMENT OF HEALTH
 CARE SERVICES, SANDRA SHEWRY,
 18 DIRECTOR OF THE DEPARTMENT OF
 HEALTH CARE SERVICES, STATE OF
 19 CALIFORNIA, AND DOES 1-10,

20 RESPONDENTS.

Case No. 04CS00543

~~Proposed~~ Peremptory Writ of
 Mandate

DEPARTMENT: 11

Judge: Hon. Gail D. Ohanesian

Action Filed: April 27, 2004

BY FAX

21
 22 TO THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES AND
 23 SANDRA SHEWRY, DIRECTOR OF THE CALIFORNIA DEPARTMENT OF
 24 HEALTH CARE SERVICES:

25 WHEREAS on April 8, 2008, judgment having been entered in this action,
 26 ordering that a peremptory writ of mandate be issued from this Court,

27 YOU ARE HEREBY COMMANDED to perform annual reviews of the Medi-Cal
 28 reimbursement rates paid to the providers of home health care services for the years 2001

1 through 2005. Such reviews shall be conducted in accordance with Attachment 4.19-B,
2 Page 20a of the State Medicaid Plan, as such was in effect prior to its amendment
3 effective December 31, 2005.

4 YOU ARE FURTHER COMMANDED to make and file a return to this writ
5 within 60 days of its issuance.

6 Attest my hand and the seal of this Court this 8th day of April, 2008.



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J. Zerega, Deputy Clerk

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action; my current business address is 555 South Flower Street, Suite 3500, Los Angeles, CA 90071-2411.

On April 2, 2008, I served the foregoing document(s) described as: [PROPOSED] PEREMPTORY WRIT OF MANDATE on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Ismael A. Castro
Deputy Attorney General
Office of the Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

X BY MAIL

I placed the envelope(s) with postage thereon fully prepaid in the United States mail, at Los Angeles, California.

X

I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at Los Angeles, California. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on April 2, 2008, at Los Angeles, California.

X

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Rose Bernal



FOLEY & LARDNER LLP
ATTORNEYS AT LAW
558 SOUTH FLOWER STREET, SUITE 3500
LOS ANGELES, CALIFORNIA 90071-2411
TELEPHONE: 213.972.4500
FACSIMILE: 213.486.0065

ROBERT C. LEVENTHAL, BAR NO. 119969
JEFFREY R. BATES, BAR NO. 142743

ATTORNEYS FOR PETITIONERS CALIFORNIA ASSOCIATION FOR
HEALTH SERVICES AT HOME, PIONEER HOME HEALTH CARE,
INC., AND CALIFORNIANS FOR DISABILITY RIGHTS, INC.

FILED/ENDORSED

APR - 8 2008

By J. ZGRAGGEN
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

CALIFORNIA ASSOCIATION FOR HEALTH
SERVICES AT HOME, A NONPROFIT
CORPORATION, PIONEER HOME HEALTH
CARE, INC., A NONPROFIT
CORPORATION, AND CALIFORNIANS FOR
DISABILITY RIGHTS, INC., A NONPROFIT
CORPORATION,

PETITIONERS,

v.

CALIFORNIA DEPARTMENT OF HEALTH
CARE SERVICES, SANDRA SHEWRY,
DIRECTOR OF THE DEPARTMENT OF
HEALTH CARE SERVICES, STATE OF
CALIFORNIA, AND DOES 1-10,

RESPONDENTS.

Case No. 04CS00543

[Proposed] Judgment Granting
Peremptory Writ of Mandate

DEPARTMENT: 11

Judge: Hon. Gail D. Ohanesian

Action Filed: April 27, 2004

BY FAX

The Court of Appeal having reversed in part the Judgment of the trial court and
Remittitur having been received on May 17, 2007, it is hereby ordered, adjudged and
decreed that a writ shall issue commanding Respondents as follows:

To perform annual reviews of the Medi-Cal reimbursement rates paid to the
providers of home health care services for the years 2001 through 2005. Such reviews
shall be conducted in accordance with Attachment 4.19-B, Page 20a of the State

///

1 Medicaid Plan, as such was in effect prior to its amendment effective December 31,
2 2005.

3 You are further commanded to make and file a return to this writ within 60
4 days of its issuance.

5
6 Dated: APR -8 2008, 2008

GAIL D. OHANESIAN

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8 ~~HON. GAIL D. OHANESIAN~~

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PROOF OF SERVICE

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On April 2, 2008, I served the foregoing document(s) described as: [PROPOSED] JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Ismael A. Castro
Deputy Attorney General
Office of the Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

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X

Executed on April 2, 2008, at Los Angeles, California.

X

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Rose Bernal